

RESOLUTION NO. 2005-23

A RESOLUTION OF THE LODI CITY COUNCIL SUPPORTING
LEGISLATION AMENDING THE AMERICANS WITH
DISABILITIES ACT TO REQUIRE NOTICE PRIOR TO FILING
LEGAL ACTION

WHEREAS, the Americans with Disabilities Act gives civil rights protection to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion; and

WHEREAS, the Americans with Disabilities Act guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications; and

WHEREAS, the City of Lodi supports the goals of this landmark civil rights law and the original intent of the Americans with Disabilities Act because it provides equal access opportunities for all Americans; and

WHEREAS, since the enactment of the Americans with Disabilities Act, many abuses have been perpetrated against property owners by a few unscrupulous attorneys seeking to wage economic retribution upon property owners using the guise of a well-intentioned civil rights law. Unfortunately, it is not the goal of these few attorneys to improve accessibility for the disabled, but to exact financial punishment through lawsuits; and

WHEREAS, legislation has been introduced by California State Assemblyman Tim Leslie (AB 2594) and by U. S. Congressman Mark Foley (H.R. 728) that would amend the Americans with Disabilities Act to require, as a precondition to commencing a civil action with respect to a place of public accommodation or commercial facility, that an opportunity be provided to correct alleged violations.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby supports the adoption of legislation that would require notice prior to filing legal action for violations of the Americans with Disabilities Act since it would curtail the abusive practice of certain attorneys by providing a due process provision for property owners so that they may be in full compliance with the Act; and

BE IT FURTHER RESOLVED that, upon passage, the City Clerk shall deliver this Resolution to the League of California Cities, Central Valley Cities, the Governor's office, and to the California and Federal Legislative Delegation.

Dated: February 2, 2005

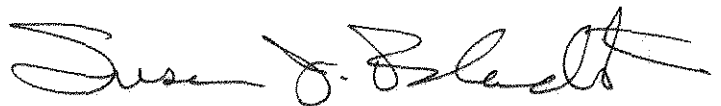
I hereby certify that Resolution No. 2005-23 was passed and adopted by the City Council of the City of Lodi in a regular meeting held February 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce, and
Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk